IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7807 OF 2003

Shri Iqbal A. Qadar Attar & Ors. : Petitioners

V/s.

Sunni Barelavi Muslim Kabrasthan and Idgha Trust & Ors. : Respondents

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Mr.S. A. Sawant with Mr. H. V. Kode for the petitioners.
Mr.S. G. Deshmukh for respondent Nos.1 and 2.
Mr. Y. D. Mulani, Assistant Government Pleader for respondent Nos.5 to 8.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

DATE : APRIL 11, 2005.

P.C.:

1. In this petition, the petitioners have prayed that they be permitted to use kabrasthan (grave yard) of respondent no.1, Sunni Barelavi Muslim Kabrasthan and Idgha Trust, Nasik.

2. It is also prayed that directions be issued to respondent Nos.1 to 4 to allow the use of the kabrasthan for the purpose of burning the dead bodies of the persons belonging to Muslim community.

3. We have heard the learned counsel for the parties. In the facts and circumstance, it is appropriate to request the Wakf Board to decide the issues involved in this petition. We request the Wakf Board to decide this controversy, as expeditiously as possible and, in any case, within eight weeks from the date of receipt of a copy of this order. The parties are directed to appear before the Wakf Board on 25.4.2005 at 11 a.m. It would be open to the petitioners to raise all pleas and contentions before the Wakf Board relating to the controversy.

4. No further directions are necessary. This Writ Petition is, accordingly, disposed of.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.